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2 SUPREME COURT OF THE STATE OF NEW YORK
3 COUNTY OF KINGS

4 -----X
5 STALIN RODRIGO REYES ESPINOZA,

6 PLAINTIFF,

7 -against-

8 Index No.:

9 515197/19

10 DAVS PARTNERS LLC AND KALNITECH
11 CONSTRUCTION COMPANY,

12 DEFENDANTS.

13 -----X

14 DATE: April 11, 2022

15 TIME: 11:00 a.m.

16 EXAMINATION BEFORE TRIAL of the
17 Defendant, DAVS PARTNERS LLC, taken by the
18 respective parties, pursuant to a Court
19 Order, held at the above date and time,
20 before Aileen Koven, a Notary Public of the
21 State of New York.
22
23
24
25

A P P E A R A N C E S:

GORAYEB & ASSOCIATES

Attorneys for the Plaintiff

100 William Street

New York, New York 10038

BY: KENNETH KLEIN, ESQ.

RICHMAN & LEVINE, P.C

Attorneys for the Defendant

DAVS PARTNERS LLC

666 Old Country Road

Garden City, New York 11530

BY: KEITH RICHMAN, ESQ.

MICHAEL SWIMMER LAW OFFICES

Attorneys for the Defendant

KALNITECH CONSTRUCTION COMPANY

605 Third Avenue

New York, New York 10158

BY: ROBERT BRIGANTIC, ESQ.

* * *

1 HUDSON

2 A. Up until the incident the
3 project go on for about six months.

4 Q. Has the project been completed?

5 A. Yes.

6 Q. As of when?

7 A. Exact date, I do not know. But
8 from the accident I think it was maybe like
9 another three months. Everything was
10 finished and they moved in.

11 Q. Are you familiar with the term
12 general contractor?

13 A. Yes.

14 Q. What is your understanding of
15 that term?

16 A. So a general contractor is
17 hired to do a project. So in other words,
18 the general contractor on that job was Gus.
19 He was doing the build out and then we were
20 doing the electric which I work for A.S.K.
21 Electric. So I was doing the build out. I
22 do not take orders from Gus. I take it
23 from David.

24 MR. BRIGANTIC: Move to strike
25 that. Go ahead.

1 HUDSON

2 came in to finish up the project.

3 Q. Is Jorge affiliated with Jim
4 Associates or is he with another company?

5 A. That I do not know.

6 Q. You don't know if Jorge
7 Moscoso is employed by Jim Associates; is
8 that correct?

9 A. No.

10 Q. You see where it says customer
11 Gus?

12 A. Yes.

13 Q. You don't know who Gus works
14 for; correct?

15 A. I don't know who Gus works for.
16 I know Gus. Gus was the general contractor
17 doing the project.

18 MR. BRIGANTIC: Move to strike
19 that as nonresponsive.

20 Q. Do you know if there was any
21 contract between Gus and Jim Associates
22 other than this proposal?

23 A. No.

24 Q. Did you ever see any other
25 proposals between Jim Associates and Gus?

1 HUDSON

2 what did he do?

3 A. He always doing something.
4 It's his own office. If he has to check in
5 something that he wants to be changed, he
6 will give instruction or if he decide to
7 work something like, for example, if they
8 were doing the cage, there is a cage with
9 all the security stuff in there. He come
10 and help us, set it up. He basically like,
11 I say it's his project and he will check
12 everybody. There was nobody off limits of
13 what is getting done. He is paying to get
14 it done. We pretty much have to do it to
15 his satisfaction.

16 Q. So he had supervisory authority
17 over the entire job site?

18 A. He owns the place. So, yes.

19 Q. Did he direct the work?

20 A. Well, he would give
21 instructions. For example, he tells me
22 what he wants to get done and I will do my
23 part and direct the workers that are
24 working underneath me. He tells the
25 general contractor what needs to get done.

1 HUDSON

2 work?

3 A. David, he is responsible for
4 scheduling the work. I went there to do my
5 part and he would schedule with AC guy,
6 with the plumbers and like I say Gus always
7 pretty much there every day. So he know
8 what needs to get done from David.

9 Q. So David would instruct Gus
10 what to do?

11 A. Yes. Instruct all of us. It
12 could be something, for example, he tells
13 us Monday, he don't want to tell us again
14 and again. He tell us what needs to be
15 done. He come and observe and make sure
16 it's getting done.

17 Q. If there had to be a change
18 order David would have to approve that?

19 A. Well, in this case he just said
20 hey, I like that to be changed. It's not a
21 regular process of being in the city where
22 it's kind of major to work in a change
23 order. With him he say hey, I would like
24 for you to have an extra light in the
25 office. Just by saying it we do it. We